**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6051 OF 2006

M/s.Bharat Bangles Industries .. Petitioner.
Vs.
Shri Gajanan M.Churi (since deceased) through LRs. & Ors. .. Respondents.

Ms.Bhole i/b M/s.Vijaykumar & Co. for the petitioner.
Mr.R.S.Maurya a/w Mr.J.P.Singh for the respondents.

**CORAM : D.B.BHOSALE, J.**
**DATED : 12TH SEPTEMBER, 2006**

P.C.:

. Heard learned counsel for the petitioner and the respondents.

2. Rule, returnable forthwith. By consent of the parties taken up for final hearing. Mr.Maurya, learned counsel waives service for the respondents.

3. The petitioners have impugned the order dated 7.7.2006 passed on the revision application No.29/2005 in Interim Notice No.66 of 2005 in T.E.Suit No.12/18 of 2003 by which their revision has been dismissed by the Division Bench of the Small Causes Court. The revision was directed against the order dated 30th June, 2005 passed by the trial Court on Interim Notice No.66/2005 whereby their prayer for setting aside the order dated 28.4.2005 and allowing them to cross examine P.W.1 had been rejected. By order dated

28.4.2005 the trial Court closed the cross examination of P.W.1. Considering the conduct of the defendant, reflected in the impugned orders, the court below was justified in closing the cross examination and rejecting Interim Notice No.66/2005 by the order dated 30.6.2005. However, keeping the overall facts and circumstances of the case in view and in the interest of justice, I deem it appropriate to offer one and last opportunity to the petitioner to cross examine the plaintiff, subject to payment of cost. The learned counsel for the parties have fairly stated that I need not record detail reasons for allowing the writ petition and they have agreed for the following order:

(a) On the petitioner paying Rs.7,500/- to the respondent-plaintiff within two weeks from today the order dated 7.7.2006 passed on the revision application No.29/2005 by the Division Bench of the Small Causes Court, the order dated 30.6.2005 passed by the trial Court on Interim Notice No.66/2005 and the order dated 28.4.2005 closing cross examination of P.W.1 are quashed and set aside.

(b) The petitioner-defendant is allowed to cross examine P.W.1 within four weeks from the date of receipt of this order.

(c) If the petitioner fails to cross examine the witness within the time aforestated, the trial Court shall proceed with the hearing of the suit without cross examination.

(d) The trial Court shall endeavour to dispose of the suit as expeditiously as possible and preferrably within a period of three months after the cross examination of P.W.1 is closed.

. The writ petition is, accordingly, disposed of.

**(D.B.Bhosale, J.)**